

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

ASSOCIATED BUILDERS AND	)	Case No. 16-cv-00425
CONTRACTORS OF SOUTHEAST TEXAS,	)	
<i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ANNE RUNG, ADMINISTRATOR, OFFICE	)	
OF FEDERAL PROCUREMENT POLICY,	)	
OFFICE OF MANAGEMENT AND	)	
BUDGET, et al.	)	
	)	
Defendant.	)	

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**JOINT MOTION TO STAY**

The parties jointly move for a stay of further proceedings in this case until either dismissal of this action by Plaintiffs or further order of this Court. This motion is based on recent actions by Congress and the President regarding the regulations and Executive Order challenged in this case.

On March 27, 2017, President Donald J. Trump signed into law Public Law 115-11, a joint resolution which “disapproves the rule submitted by the Department of Defense, the General Services Administration, and National Aeronautics and Space Administration relating to the Federal Acquisition Regulation (published at 81 Fed. Reg. 58562 (August 25, 2016))” and states that “such rule shall have no force or effect.” Pub. L. No. 115-11 (2017). Both parties agree that this resolution effectively nullifies the regulations challenged by Plaintiffs in this action. On the same day, the President signed Executive Order 13782 revoking Executive Order 13673, which was also challenged by

Plaintiffs in this case.<sup>1</sup> See E.O. 13782, § 1, 82 Fed. Reg. 15607 (March 30, 2017). The new Executive Order further provides that “[a]ll executive departments and agencies shall, as appropriate and to the extent consistent with law, consider promptly rescinding any orders, rules, regulations, guidance, guidelines, or policies implementing or enforcing the revoked Executive Orders and revoked provision.” *Id.* § 2. Even absent their formal rescission, these regulations and associated guidance published at 81 Fed. Reg. 58654 (Aug. 25, 2016), have no practical effect in light of Public Law 115-11.

Although Defendants believe that based on the actions already taken by the President and Congress, this suit is moot, the parties jointly move that this matter be stayed pending formal announcement of agency action in compliance with section 2 of Executive Order 13782, at which time the parties anticipate that Plaintiffs will dismiss their complaint.

Respectfully submitted,

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<sup>1</sup> The new Executive Order also revoked section 3 of Executive Order 13683 (December 11, 2014) and Executive Order 13738 (August 23, 2016), which had amended portions of Executive Order 13673.

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